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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,936	12/03/2001	Jinsaku Masuyama	016295.0733 (DC-03225)	7808
7590		01/25/2006	EXAMINER	
Adam L. Stroud		CHEN, TSE W		
Baker Botts L.L.P.		ART UNIT		
One Shell Plaza		PAPER NUMBER		
910 Louisiana		2116		
Houston, TX 77002-4995		DATE MAILED: 01/25/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,936

Applicant(s)

MASUYAMA ET AL.

Examiner

Tse Chen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Declaration Pursuant to 37 CFR 1.131

1. The declaration under 37 CFR 1.131 filed November 14, 2005 is insufficient to overcome the rejection of claims 1-9, 11, 14-16, 18-23 and 25 over Smith, U.S. Publication 2002/0198608 (U.S. Patent 6792515), in view of Tsurumi, U.S. Patent 5915122, and Bottom, U.S. Publication 2002/0194412 (U.S. Patent 6950895) under 35 USC § 102(e) [applied to Smith and Bottom] and 103(a) as set forth in the last Office action dated June 28, 2005 [paper number 06282005] because it fails to establish reduction to practice prior to the dates of the references as the following details.

2. Applicant attempts to establish prior invention by showing reduction to practice of the invention as prior to June 13, 2001 and June 21, 2001, the effective filing dates of Bottom and Smith, respectively, by referring on page 2 of the declaration to the Dell Confidential Invention Disclosure Form of Exhibit A.

3. Firstly, Examiner notes that the Dell Confidential Invention Disclosure Form was received on August 1, 2001 [pg. 1, 1.3], subsequent to the critical dates which applicant alleges amounts to a reduction to practice of the invention.

4. Secondly, Examiner notes that the Dell Confidential Invention Disclosure Form itself states on page 3 that the date of reduction to practice was supposedly on October 2001, subsequent to the critical dates. This declared date of reduction is subsequent to the filing date of the disclosure form itself [i.e., August 2001], further indicating that the date is a mere projection that is not an actual on record.

Art Unit: 2116

5. Thirdly, Examiner submits that proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. Insofar as applicant is relying on the invention disclosure to establish reduction to practice, a written description does not constitute an actual reduction to practice. Furthermore, only the filing of a US patent application which complies with the disclosure requirement of 35 USC § 112 constitutes a *constructive* reduction to practice. A written description, no matter how complete, does not qualify as an actual reduction to practice.

6. Finally, Examiner submits that what must be shown to be reduced to practice is the *claimed invention*. Applicant bears the burden of giving a clear explanation (within the declaration) of how the exhibits support the reduction of practice of the claimed invention. The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice “amounts essentially to mere pleading, unsupported by proof or a showing of facts” and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In *re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit “asserts that facts exist but does not tell what they are or when they occurred.”). Applicant merely states that Exhibit A supports the reduction to practice without giving a clear explanation of which facts or data applicant is relying on to show completion of

Art Unit: 2116

his or her invention prior to the particular date. The general assertion best amounts to mere pleading, unsupported by proof or a showing of facts.

7. Accordingly, Applicant has not established prior invention. The rejections are maintained.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, 11, 14-16, 18-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, U.S. Publication 2002/0198608, in view of Tsurumi, U.S. Patent 5915122, and Bottom, U.S. Publication 2002/0194412.

10. In re claim 1, Smith discloses a computer system [fig.2; multiple processor combination 100] comprising:

- At least two server modules [server blades 102-1 and 102-n; fig.2].
- A midplane [pci bus 110] associated with the at least two server modules, the midplane operable to receive the at least two server modules and to provide a unique address for each server module based on the location of each server module on the midplane [0025-0026].
- At least one address module [system server blade 102-0] associated with the at least two server modules, the address module operable to obtain the unique address from the

midplane for each server module [0029; determines unique address of each server module based on GA pins].

11. Smith did not disclose explicitly a power supply associated with the midplane and did not discuss the sequential supply of power to the server modules.

12. Bottom discloses a computer system [modular server system 100; fig. 1] comprising:

- At least one power supply [130] associated with the midplane, the power supply operable to supply power to start up the server modules [server blades 110 require power in order to start up] [0021].

13. Bottom did not discuss the sequential supply of power to the server modules.

14. Tsurumi discloses a computer system [col. 1, ll. 10-30] comprising:

- At least one module [cross control circuit X] operable to calculate a start-up time [timer value] for each module [battery, power controller] based on the unique address for each module [col. 38, l. 56 – col. 39, l. 6].
- At least one module [cross control circuit X] operable to sequence power to the server modules based on the start-up times for each of the modules [col. 38, l. 56 – col. 39, l. 17; battery test expends power].

15. It would have been obvious to one of ordinary skill in the art, having the teachings of Smith, Bottom and Tsurumi before him at the time the invention was made, to modify the system taught by Smith to include the power supply taught by Bottom, in order to provide a more efficient use of the resources and minimize space [Bottom: 0021]. Furthermore, one of ordinary skill in the art would have modify the system taught by Smith and Bottom to include the sequential power supply teachings of Tsurumi, in order to provide a system comprising at least

Art Unit: 2116

one address module associated with the at least two server modules, the address module operable to obtain the unique address from the midplane for each server module and to calculate a start-up time for each server module based on the unique address for each server module and at least one power supply associated with the midplane, the power supply operable to sequence power to the server modules based on the start-up times for each of the server modules. One of ordinary skill in the art would have been motivated to make such a combination as it provides a more efficient use of the resources and minimize space [Bottom: 0021] [Tsurumi: col.38, ll.4-15; col.39, ll.7-17].

16. As to claim 2, Smith discloses the system wherein the server modules comprise blade servers [incorporate multiple 102 blade servers as one server module as it is well known in the art to incorporate a plurality of servers into one module].

17. As to claim 3, Examiner has taken Official Notice that brick and blade servers are known equivalents as prior art. One of ordinary skill in the art would have chosen either brick or blade server based on the configuration requirements of the system. Accordingly, it would have been obvious to replace blade servers with brick servers to be sequentially powered up in an autonomous fashion.

18. As to claim 4, Smith discloses the system wherein the midplane comprises a circuit board including two or more connectors [multiple compact pci connectors for multiple modules] coupled to the midplane and two or more resistors [some kind of resistors for the multiple GA pin is needed or a short may occur] coupled to the midplane [0025]. Regarding the resistors, the Examiner has taken Official Notice that it is prior art to use pull-up resistors to signify a certain

Art Unit: 2116

bit of information. One of ordinary skill in the art would have been motivated to make such a combination in order to provide status information in an electrical interconnection.

19. As to claim 5, Bottom discloses the system wherein the connectors [compact pci form factor interface 660] are operable to provide an interface between the server modules [110] and the midplane [170] [0033].

20. As to claim 6, Smith discloses the system wherein each connector [compact pci connector 112] is operable to interface with one server module [fig. 1; 0025].

21. As to claim 7, Smith discloses the system wherein the midplane provides a unique address to each server module through resistor strapping the one or more resistors [0025].

22. As to claim 8, Bottom discloses the system wherein the midplane is further operable to provide an interface [some kind of interface in broadest interpretation is needed to provide power and switching between redundant power supplies] between the server modules and the power supply [0021].

23. As to claim 9, Tsurumi discloses the system wherein the power supply is operable to provide power to each server module upon expiration of the start-up time for each server module [col.38, 1.56 – col.39, 1.17; sequencing power is supplying power].

24. As to claim 11, Tsurumi discloses the system wherein each address module [cross control circuit X] includes a timer, the address module further operable to set the timer with the start-up time and the timer operable to count to [down from] the start-up time [col.38, 1.56 – col.39, 1.6].

Regarding the timer that is operable to count down from the start-up time, the Examiner has taken Official Notice that it is prior art to configure a timer to either count down or count to a

Art Unit: 2116

known time for timing a duration. One of ordinary skill in the art would have been motivated to make such a combination in order to count towards a known time.

25. In re claim 14, Smith discloses a method for autonomous power sequencing in a computer system [fig.2; multiple processor combination 100] comprising:

- Receiving two or more server modules [server blades 102-1 and 102-n; fig.2].
- Providing a unique address for each server module based on the location of each server module on a midplane [0025-0026].
- Obtaining the unique address for each server module from the midplane [0029; determines unique address of each server module based on GA pins].

26. Smith did not disclose explicitly a power supply associated with the midplane and did not discuss the sequential supply of power to the server modules.

27. Bottom discloses a computer system [modular server system 100; fig.1] comprising:

- At least one power supply [130] associated with the midplane, the power supply operable to supply power to start up the server modules [server blades 110 require power in order to start up] [0021].

28. Bottom did not discuss the sequential supply of power to the server modules.

29. Tsurumi discloses a method comprising:

- At least one module [cross control circuit X] operable to calculate a start-up time [timer value] for each module [battery, power controller] based on the unique address for each module [col.38, 1.56 – col.39, 1.6].

Art Unit: 2116

- At least one module [cross control circuit X] operable to sequence power to the server modules based on the start-up times for each of the modules [col.38, l.56 – col.39, l.17; battery test expends power].

30. It would have been obvious to one of ordinary skill in the art, having the teachings of Smith, Bottom and Tsurumi before him at the time the invention was made, to modify the system taught by Smith to include the power supply taught by Bottom, in order to provide a more efficient use of the resources and minimize space [Bottom: 0021]. Furthermore, one of ordinary skill in the art would have modify the system taught by Smith and Bottom to include the sequential power supply teachings of Tsurumi, in order to obtain the claimed method. One of ordinary skill in the art would have been motivated to make such a combination as it provides a more efficient use of the resources and minimize space [Bottom: 0021] [Tsurumi: col.38, ll.4-15; col.39, ll.7-17].

31. As to claim 15, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 2.

32. As to claim 16, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 3.

33. As to claim 18, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discuss in reference to claims 11 and 13.

34. As to claim 19, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 4.

35. As to claim 20, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 7.

Art Unit: 2116

36. As to claim 21, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 9 [power supplied sequentially to conserve power].

37. As to claim 22, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 9.

38. In re claim 23, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claims 1 and 4-6. Furthermore, Bottom discloses the computer system comprising one of more chassis [mounting flanges 210] operable to house the server modules, the midplane, and the power supply [0022].

39. As to claim 25, the Examiner has taken Official Notice that it is prior art for one or more cabinets to house one or more of the chassis.

40. Claims 10, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Bottom and Tsurumi as applied to claims 1 and 14 above, and further in view of Butka et al., U.S. Patent 6735704, hereinafter Butka.

41. In re claims 10 and 24, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claims 1 and 14. Smith, Bottom, and Tsurumi did not discuss a management controller to provide redundant operation.

42. Butka discloses a system [10; fig.1] comprising a management controller [master controller 20] associated with the midplane [bus 22], the management controller operable to provide sequence redundancy by sequencing power to the server modules if the midplane experiences a failure [col.4, ll.8-51; col.5, l.34 – col.6, l.62].

Art Unit: 2116

43. It would have been obvious to one of ordinary skill in the art, having the teachings of Butka, Smith, Bottom, and Tsurumi before him at the time the invention was made, to modify the system taught by Smith, Bottom, and Tsurumi to include the redundancy teachings of Butka, in order to permit the system to continue normal operations in the event of a failure [Butka: col.1, ll.20-42]. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to permit the system to continue normal operations in the event of a failure.

44. In re claim 17, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 14. Smith, Bottom, and Tsurumi did not disclose explicitly a multiplication factor.

45. Butka discloses a method wherein calculating the start-up time [delay seconds] comprises:

- Obtaining a multiplication factor [power subsystem number-1] for each server module [power nodes] and calculating the start-up time using the multiplication factor [col.4, ll.8-39].

46. It would have been obvious to one of ordinary skill in the art, having the teachings of Butka, Smith, Bottom, and Tsurumi before him at the time the invention was made, to modify the system taught by Smith, Bottom, and Tsurumi to include the multiplication factor teachings of Butka, in order to avoid simultaneous power supplies [Butka: col.1, ll.8-39]. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to avoid simultaneous power supplies.

Art Unit: 2116

47. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Bottom and Tsurumi as applied to claim 1 above, and further in view of Duley, U.S. Patent 6766222.

48. In re claim 12, Smith, Bottom, and Tsurumi disclose each and every limitation of the claim as discussed above in reference to claim 1. Smith, Bottom, and Tsurumi did not disclose explicitly switches associated with the server modules.

49. Duley discloses a system [power sequencing system] comprising a switch associated with each server modules [slave] and the at least one address module [master], the switch operable to accept a command from the address modules to switch between an on position and an off position [col.6, ll.18-39; col.6, l.50 – col.7, l.49].

50. It would have been obvious to one of ordinary skill in the art, having the teachings of Duley, Smith, Bottom, and Tsurumi before him at the time the invention was made, to modify the system taught by Smith, Bottom, and Tsurumi to include the switches of Duley, in order to provide cost savings in power supplies [Duley: col.7, l.50 – col.8, l.4]. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to provide cost savings in power supplies.

51. As to claim 13, Tsurumi discloses the system where at the expiration of the start-up time the address module [cross control circuit X] switches a selected switch to the on position allowing an associated server module [battery] to receive power from the power supply [col.38, l.56 – col.39, l.17; switch on for battery test which consumes power].

Response to Arguments

Art Unit: 2116

52. All rejections of claim limitations as filed prior to Amendment dated November 14, 2005 not argued in entirety or substantively in response filed as said Amendment have been conceded by Applicant and the rejections are maintained from henceforth. Any arguments hereinafter related to said rejections of claim limitations will be considered untimely.

Conclusion

53. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen
January 20, 2006


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